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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,819	12/28/2000	Hiroaki Fukuda	201392US2	5195

22850 7590 02/07/2006

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ALEXANDRIA, VA 22314

EXAMINER

TUCKER, WESLEY J

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/749,819	Applicant(s) FUKUDA ET AL.	
	Examiner Wes Tucker	Art Unit 2623	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

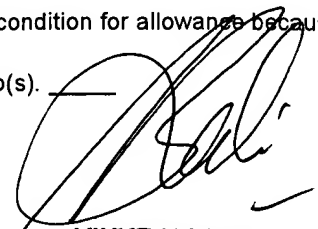
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


VIKKRAM BALI
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant presents for the first time arguments with regard to the arrangement of the claimed "arithmetic processing unit" and a "programmable arithmetic processing section" to be included within the unit. It should be noted that this complaint about the cited prior art was not argued until now.

Let it now be understood that an:

"arithmetic processing unit configured to process image data relating to the image data received by the sensor board unit to provide processed image data representing a reproduction of said original document, said arithmetic unit including," reads, in its most specific form, on the invention of Kan. An arithmetic processing unit is nothing more than a COMPUTER or processing configuration such as the one shown in Kan in Figs. 1 and 2. It should be clear that Kan discloses his operations to take place in a computer.

The arithmetic processing unit cited in Kan of Fig. 2, element 108 was cited to show explicit arithmetic processing, but it must also be clearly appreciated that the arithmetic processing unit cited in the first part of claim 1 is exactly the same type of processor or system of processors as disclosed in the invention of Kan. There is no box depicting "an arithmetic processing unit ... including" in the Figures of the presently claimed invention. It is only cited in the claims in order to place it in the exceedingly well known area of hardware used for image processing. The Applicant must realize the scope of the invention and that the reference of Kan is disclosing a system in the same very well known area of hardware used for image processing.

The subsequently claimed:

"a programmable arithmetic processing section of SIMD type configured to provide simultaneous processing of plural image data portions" such as the that cited in element 50 of Fig. 1 of Kan is clearly contained in the arithmetic processing unit that is depicted in the entire units clearly shown in Fig. 1 or Fig. 2.

It should be exceedingly clear to the Applicant with any reading at all of the Kan reference that what Kan discloses is an arithmetic processing unit that indeed INCLUDES both SIMD and MIMD processing sections (See the Abstract or Title).

There can be no mistake that Kan discloses this explicitly in the title of the invention. A "parallel data processing system" is an "arithmetic processing unit" and Kan discloses INCLUDING both SIMD and MIMD sections.

The rejection previously presented is accordingly maintained and remains FINAL.